§172.101

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 26 1999

Mr. Lloyd H. Shanks
Manager, Transportation Regulations
and Safety
Angus Chemical Company
1500 East Lake Cook Road
Buffalo Grove, IL 60069

Ref. No. 99-0029

Dear Mr. Shanks:

This is in response to your letter dated January 26, 1999, requesting clarification on the proper shipping names for two solutions used as biocides containing 2-Bromo-2-nitropropane-1,3 diol. You supplied a material safety data sheet which describes the components of each solution and their concentration as follows:

MYACIDE S-30	MYACIDE S-15
30 % 2-Bromo-2-nitropropane-1,3 diol	10.53 % 2-Bromo-2-nitropropane-1,3 diol
60 % Propylene glycol	10 % Propylene glycol
10 % Water	79.47% Water

You stated the manufacturer of the chemical "2-Bromo-2-nitropropane-1,3 diol" prefers your company use the proper shipping name "Corrosive liquid, acidic, organic, n.o.s." whereas your company prefers using the name "Disinfectant, liquid, corrosive, n.o.s." You asked which name is most appropriate under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Based on the information you provided, it is our determination that either proper shipping name would be correct for the mixture. However, as the shipper, you have the option of renaming the material "Disinfectant, liquid, corrosive, n.o.s." Under § 173.22, it is the shipper's responsibility to properly classify and describe a hazardous material. Section 172.101 (c)(12)(ii) requires that when a material is not specifically listed by name in the Hazardous Materials Table (§ 172.101), selection of a proper shipping name must be made from the general description entries corresponding to the specific hazard class, packing group, and subsidiary hazards of the material. This section also requires that the name that most

appropriately describes the material shall be used, but permits the option of naming some mixtures according to their application if this proper shipping name is more appropriate. Also, please note that in either situation, the "n.o.s." description must meet the requirements § 172.203(k).

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

ANGUS®

IM 4ck
172.101
2-Bromo
99-0024

January 26, 1999

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
U.S Department of Transportation
DHM-10 Room 8102
400 Seventh Street
Washington, DC 20590

Re: Request for Interpretation: Proper shipping name for solutions containing 2-bromo-2-nitropropane-1,3 diol

Dear Mr. Mazullo:

We are seeking an interpretation from RSPA concerning a difference of opinion regarding the selection of a proper shipping name for 2-bromo-2-nitropropane-1,3 diol in a liquid solution.

ANGUS Chemical Company is the sole U.S. distributor for a manufacturer of 2-bromo-2-nitropropane-1,3 diol located in the European community. The manufacturer ships this material to us in dry form using the technical name of the chemical as the proper shipping name, and it is classified as a Division 4.1. However, when this dry chemical is formulated into a liquid solution it no longer meets the criteria of Division 4.1, but it is corrosive to aluminum and meets the criteria of a Class 8, packing group III material.

In 1993, ANGUS furnished technical data for the subject product and other "anti-microbial" agents manufactured and/or marketed by our company and solicited the opinion of a renowned transportation attorney. His opinion concurred with ours. That is, the end use description "disinfectants" was appropriate for these solutions which are used for:

- **Control of slime-forming bacteria**
- **Control of organisms responsible for microbially-induced corrosion**
- **Control of *Legionella pneumophila*.**

I was recently contacted by an employee of the manufacturer and advised that, following the acquisition of their company by a larger international chemical company, they were advised that it was the interpretation of the new owners that the proper shipping name "**corrosive liquid, acidic, organic, n.o.s.**" was the correct description rather than the description "**disinfectant, liquid, corrosive, n.o.s.**" which our company has been using for some time. They raised this issue because they do not consider the product to be a "disinfectant". This could be a "language difference" issue.

ANGUS Chemical Company • 1500 East Lake Cook Road, Buffalo Grove, IL 60089 • Tel: 847-215-8600 • Fax: 847-215-8626 • Telex: 275422 ANGUS UR

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The tenth edition of Merriam Webster's Collegiate Dictionary defines disinfectant *as "a chemical that destroys vegetative forms of microrganisms*". One of the documented primary uses of this solution is to control slime forming bacterial growth in paper and pulpboard manufacturing and inhibit the growth of spoilage bacteria in mineral slurries and water based additives such as starch solutions, rosin sizes and dyestuffs.

ANGUS Chemical Company understands the position of the manufacturer of this product is that they are the most qualified party to determine its proper shipping name. However, we also recognize our responsibility to confirm that the proper shipping name selected is the most appropriate one, when that product is offered for transportation within the United States.

Your assistance in this regard will be greatly appreciated.

Sincerely,

Lloyd H. Shanks

Lloyd H. Shanks, Manager
Transportation Regulations and Safety